



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
(81841.0179)
1970-039

In re application of:
ANTHONY K. CHENG, et al.
Serial No: 09/888,005
Filed: June 22, 2001
For: HOMOGENEOUS ASSAY
PARTICLE-VANCOMYCIN
CONJUGATE, A NOVEL RATE
ENHANCER, AND A NOVEL DOSE
RESPONSE MODULATOR

Art Unit: Unassigned
Examiner: Unassigned

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Commissioner for Patents Washington D.C. 20231, on	
October 09, 2001	
Date of Deposit	
Wei-Ning Yang, Reg. No. 38,690	
Name	
Signature	
10/09/01	Date

**TRANSMITTAL OF INFORMATION
DISCLOSURE STATEMENT**

Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

- The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
- The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification

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after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4. If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. **A copy of this petition is enclosed.**

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5. A list of 29 reference(s) is in the enclosed Form PTO-1449. Pursuant to 37 C.F.R. §1.98(d), copies of the listed references are provided.

NON-ENGLISH LANGUAGE REFERENCES

Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.

The specification incorporates comments on the relevancy of Non-English language references.

Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references: N/A

[COMMENTS OF APPLICANT'S HOME COUNTRY COUNSEL]

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: October 9, 2001

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